

# STATE OF SOUTH CAROLINA

## (Caption of Case)

Application of Duke Energy Carolina, LLC for  
Approval of Decision to Incur Nuclear Generation  
Pre-Construction Costs

## BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

### COVER SHEET

### DOCKET

NUMBER: 2007 - 440 - E

FEB 01 2008

(Please type or print)

Submitted by: Scott Elliott

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

### DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Extension Request	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	by Consent	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

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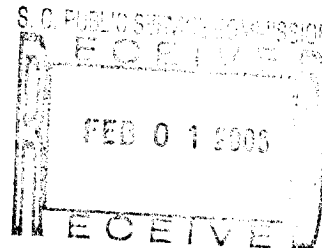
ELLIOTT & ELLIOTT, P.A.  
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555  
FACSIMILE (803) 771-8010

January 31, 2008

Mr. Charles L.A. Terreni  
Chief Clerk of the Commission  
SC Public Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211



RE: Application of Duke Energy Carolinas, LLC for Approval  
Decision to Incur Nuclear Generation Pre-Construction Costs  
DOCKET NO.: 2007-440-E

Dear Mr. Terreni:

Enclosed please find for filing an original and ten (10) copies of the Petition to Intervene of the South Carolina Energy Users Committee ("SCEUC") in the above-captioned matter. By copy of this letter, I am serving all parties of record and requesting that each serve me with all outstanding motions or other pleadings, together with all discovery responses served to date and to be served.

✓ I have enclosed an extra copy of this petition which I would ask you to date stamp and return to me in the stamped self-addressed envelope enclosed for your convenience. If you have questions, please do not hesitate to contact me.

Sincerely,

ELLIOTT & ELLIOTT, P.A.

Scott Elliott

SE/jcl

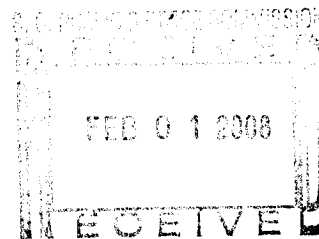
Enclosure

cc: All parties of record w/enc.

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STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2007-440-E



IN THE MATTER OF: )

)  
Application of Duke Energy Carolinas, )  
LLC for Approval of Decision to Incur )  
Nuclear Generation Pre-Construction Costs )  
for the Lee Nuclear Station in Cherokee )  
County )

**PETITION TO INTERVENE**

The South Carolina Energy Users Committee ("SCEUC") hereby petitions the South Carolina Public Service Commission ("Commission") pursuant to R.103-825 of the Commission's rules and regulations to intervene and be made a party of record in the above-captioned docket. In support of this Petition, SCEUC would allege as follows:

1. That Duke Energy Carolinas, LLC ("Duke") has filed an Application with the Commission pursuant to S.C. Code Ann. Section 58-33-225 requesting approval of Duke's decision to incur pre-construction costs of up to \$230 million through December 31, 2009, for its proposed William States Lee, III Nuclear Station in Cherokee County, South Carolina (Lee Nuclear Station).

2. That SCEUC is an association organized in the State of South Carolina, consisting of large consumers of energy which are engaged in various manufacturing enterprises throughout the State.

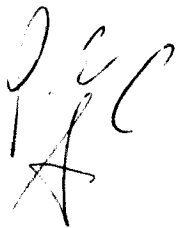
3. That a number of members of SCEUC purchase and consume substantial amounts of electricity from Duke.

4. That SCEUC and its members have a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and the interests of its members are not adequately represented by the current parties to this proceeding.

5. That given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time.

6. That granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

7. That the Petitioner is represented by the following counsel in this proceeding:



Scott Elliott, Esquire  
Elliott & Elliott, P.A.  
721 Olive Street  
Columbia, South Carolina 29205  
Telephone: 803-771-0555  
Fax: 803-771-8010  
**[selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)**

WHEREFORE, Petitioner prays for the following relief:

- a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;
- b. That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and

- c. For such other and further relief as is just and proper.

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Scott Elliott, Esquire  
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Columbia, SC 29205  
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Attorney for the South Carolina Energy  
Users Committee

23  
Columbia, South Carolina  
January 31, 2008

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# **CERTIFICATE OF SERVICE**

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Duke Energy Carolinas, LLC for Approval  
of Decision to Incur Nuclear Generation Pre-Construction  
Costs

DOCKET NO.: 2007-440-E

PARTIES SERVED: Bonnie D. Shealy, Esquire  
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P. O. Box 944  
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C. Lessie Hammonds, Esquire  
Office of Regulatory Staff  
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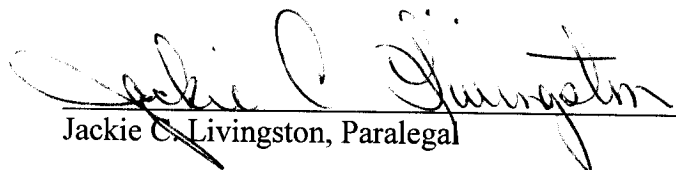
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Columbia, SC 29211

PLEADING: PETITION TO INTERVENE BY SOUTH CAROLINA  
ENERGY USERS COMMITTEE

January 31, 2008

  
Jackie C. Livingston, Paralegal